HOMESTEAD—CONVEYANCE—JOINDER OF WIFE.—The wife abandoned grantor and five minor children without cause and lived in adultery with two different men. She lived with the first about six years and with the second about ten years. Seven years after such abandonment the husband conveyed the land in question, which had been their homestead and upon which he had continued to live, to the grantors of the defendant for a valuable consideration. The wife did not join in this conveyance. Eleven years after this conveyance the grantor died and his son, the plaintiff, after having acquired by proper conveyances the interest in the land, if any, of his mother, sister and brothers, brought this action to recover possession from the defendants. *Held,* the attempted conveyance without the wife's signature was void, *Murphy* v. *Renner et ux.* (1906), — Minn. —, 109 N. W. Rep. 593.

The wife would be estopped by her conduct from asserting such homestead rights in herself. *Mann et al.* v. *Wilson,* (1905), (Tex. Civ. App.) 86 S. W. 1061; *Freeman* v. *Freeman,* 111 Tenn. 151. 76 S. W. 825. In many states such conveyance is absolutely void. See discussion in *Teske* v. *Dittberner et al.* (1903), 65 Neb. 167, 98 N. W. 57, and *Alvis* v. *Alvis,* 123 Ia. 546. Under a Mississippi statute, providing that a conveyance of the homestead shall not be valid unless signed by the wife of the owner, if he be married and "living with his wife," it was held that his sole conveyance would not be valid where he had driven her from home and refused to permit her to return. *Scott et al.* v. *Scott,* 73 Miss. 575, 19 So. 589. The principal case is undoubtedly correct, but it is a good illustration of the hardship which results from the application of the strict rule.

HUSBAND AND WIFE—TORTS OF WIFE—COERCION BY HUSBAND—PRESUMPTION.—Husband and wife about to leave the city, left two dogs with the family with whom they had been living. The dogs, which were the property of the husband, were represented by both as being of a gentle disposition. In an action to recover damages for personal injuries inflicted by one of the dogs, *held,* that the action could not be maintained against the wife, there being no evidence to show that she was not coerced into making the false representations by her husband. *Emmons et al.* v. *Stevane et al.* (1906), — N. J. —, 64 Atl. Rep. 1014.

The principle controlling the court's decision in dismissing the case as to the wife, is the presumption raised by the common law that the torts of the wife committed in the presence of the husband are presumed to be by his coercion. While this presumption, rebuttable in its nature, and the liability flowing from it are well recognized at the common law, the earlier cases seem to be in direct conflict as to the reasons upon which it is founded. The general rule of the common law is that the husband is liable for the torts of his wife, committed by her alone, and that both must be joined in the suit as defendants. *McElfresh* v. *Kirkendall,* 36 Ia. 226; *Ball* v. *Bennett,* 21 Ind. 427; *Marshall* v. *Oakes,* 51 Me. 309; *Heckle* v. *Lurvey,* 101 Mass. 345; *Matthews* v. *Fiestel,* 2 E. D. Smith (N. Y.) 90; *Hawk* v. *Harman,* 5 (Binn.) Pa. 43. BISHOP in his work on the law of married women, points out that the doctrine of many of the cases which hold the husband alone liable for

the torts of the wife committed in his company, is unsound, for it would follow from this proposition, and it has been held in some jurisdictions, that where both join in the tort the act in legal contemplation is that of the husband alone. *Brazil* v. *Moran,* 8 Minn. 236; *Baker* v. *Young,* 44 Ill. 42. The modern tendency of the decisions is to draw away from the theory advanced by BISHOP and the earlier cases, which placed the liability upon the ground of the wife's incapacity to be sued, and to place it upon the more liberal and reasonable ground that since the husband upon the marriage took all the wife's estate, both real and personal, and had absolute control over her person and earnings, she had nothing with which to respond in damages and consequently he must answer for her misdoings. *Martin* v. *Robson,* 65 Ill. 129; *Lane* v. *Bryant,* 100 Ky. 138; *Harris* v. *Webster,* 58 N. H. 481; *Norris* v. *Corkill,* 32 Kan. 409. Whatever may have been the rule at the early common law the above reasons seem to control in the decision of the later cases. RODGERS, DOMESTIC RELATIONS; SCHOULER, DOMESTIC RELATIONS. It is generally agreed that the statutes giving the wife a separate estate do not change the husband's liability excepting as to torts connected therewith. Such statutes being in derogation of the common law are strictly construed. Some courts have gone so far as to hold that statutes which have removed these common law disabilities from the wife, by necessary implication relieve the husband from liability for her torts. The contrary is held in New York. *Mangam* v. *Peck,* 111 N. Y. 401; *Fitzgerald* v. *Quann,* 109 N. Y. 441; *Martin* v. *Robson,* 65 Ill. 129; *Harris* v. *Webster,* 58 N. H. 481. In some states, noticeably Connecticut and Pennsylvania, the wife is now made expressly liable for her torts.

INSURANCE—RIGHT OF SUSPENDED MEMBER TO BE REINSTATED.—Plaintiff, whose life was insured by defendant company, had failed to remit his annual dues to defendant which according to the by-laws of the company rendered his policy ipso facto void. He sought to be reinstated in the company by virtue of another provision of the by-laws which allowed delinquent members to be reinstated. This provision required the approval of the president and medical director and the assurance that the insured was in good health. Plaintiff furnished the certificate of good health but failed to receive the approval of the president and medical director. *Held,* that the approval was not a mere ministerial act and that the insurer was not liable in damages for refusal to reinstate insured if such refusal was neither fraudulent nor purely arbitrary. *Lane* v. *Fidelity Mutual Life Ins. Co.* (1906), — N. C. —, 54 S. E. Rep. 854.

The court in holding as it does follows an unbroken line of authority to the same effect. In *Harrington* v. *Association, etc.,* 190 Penn. 77, the court speaking of conditions similar to those of the case under discussion says, "Where the by-laws empowered them (an executive committee having powers similar to the president in the principal case) to grant her request they were not bound to nor could they be compelled to do so. It neither clothed her (plaintiff) with any legal or equitable right nor did it impose any duty or obligation on the association that would enable her as a delinquent mem-